IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 693 of 2006

Anil Kumar Sharma S/o Sri Shiv Kumar Sharma
R/o 77/16 Purvawali
Railway Road
Ganeshpur, Roorkee
P.S. Ganganhar Roorkee
District Haridwar ... Applicant

Vs

1. State of Uttaranchal
2. Sri S.C. Tyagi, Up Khand Adhikari
   Vidyut Vitaran Up Khand-I, Roorkee
   P.S. Kotwali Roorkee
   District Haridwar ... Respondents

Sri A.V. Pundir, learned counsel for the applicant
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner who is facing the trial in Criminal Case No. 367 of 2006 under Sections 353, 423, 147 I.P.C. and 3/7 of Criminal Law Amendment Act and 3/4 Damage Act pending in the court of 2nd A.C.J. (Jr. Div)/J.M., Roorkee, District Haridwar.

2. Brief facts giving rise to this petition are that the respondent No. 2 S.C. Tyagi lodged the First Information Report against the petitioner. The police investigated the matter and thereafter chargesheet was submitted against the petitioner on 14.07.2006, which is contained as annexure No. 4 to the petition. The petitioner has thus filed this petition for quashing the chargesheet filed against him as well as the entire proceedings of the above mentioned criminal case.

3. Heard Sri A.V. Pundir, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. Having considered the arguments advanced by the learned counsel for the parties, I am of the view that there is no abuse of process of the court in this case. The averments made in the petition are the disputed question of fact, which can be assessed and judged by the trial court. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence at this stage. Any judgment rendered by the would amount to premature judgment where the evidence is still incomplete and hazy.

5. The petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition under Section 482 Cr.P.C. is dismissed in-limine.

(B.C. Kandpal, J.)

24.08.2006
ASWAL